

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 25 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TREVOR JAMES KIRK,

Defendant - Appellant,

ERWIN CHEMERINSKY,

Amicus Curiae in Support of
the Judgment,

J.H.,

Amicus Curiae.

No. 25-3607

D.C. No.

2:24-cr-00527-SVW-1

Central District of California,
Los Angeles

ORDER

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TREVOR JAMES KIRK,

Defendant - Appellant,

ERWIN CHERMERINSKY,

Amicus Curiae in Support of
the Judgment,

J.H.,

Amicus Curiae.

No. 25-5125

D.C. No.

2:24-cr-00527-SVW-1

Central District of California,
Los Angeles

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

TREVOR JAMES KIRK,

Defendant - Appellee,

ERWIN CHEMERINSKY,

Amicus Curiae in Support of
the Judgment,

J.H.,

Amicus Curiae.

No. 25-5200

D.C. No.

2:24-cr-00527-SVW-1

Central District of California,
Los Angeles

Before: S.R. THOMAS, SILVERMAN, and BENNETT, Circuit Judges.

The unopposed motion (Docket Entry No. 14 in Appeal No. 25-3607) to consolidate Appeal Nos. 25-3607, 25-5125, and 25-5200 is granted. The parties must include all case numbers on future filings.

We appoint Erwin Chemerinsky to brief and argue this case, as amicus curiae in support of the district court's judgment dated June 3, 2025, and its post-judgment order dated August 8, 2025. *See United States v. Arpaio*, 887 F.3d 979,

982 (9th Cir. 2018) (the court has “inherent authority to appoint disinterested counsel to represent the position taken by the United States below when the United States refuses to defend its prior position.”)

The motion (Docket Entry Nos. 4 and 10 in Appeal No. 25-3607) by crime victim J.H. to be appointed amicus curiae is granted in part. J.H. is granted leave to file an amicus brief that complies with Federal Rule of Appellate Procedure 29(a)(4) and (5).

The individual opening briefs by Kirk and the government—challenging the final judgment and post-judgment order—are due November 5, 2025. The answering brief by amicus curiae Chemerinsky—defending the judgment and order—is due December 5, 2025. The amicus brief by crime victim J.H. is due within 7 days after service of the answering brief by amicus curiae Chemerinsky. Kirk and the government may each file an optional reply brief within 21 days after service of the answering brief by amicus curiae Chemerinsky.

The principal briefs of Kirk, the government, and Chemerinsky, must comply with Ninth Circuit Rule 32-1(a). The reply briefs of Kirk and the government must comply with Ninth Circuit Rule 32-1(b).